

1                   A bill to be entitled  
 2           An act relating to the judiciary; amending s. 25.073,  
 3           F.S.; providing that if a retired justice or judge is  
 4           assigned to temporary duty, such assignment does not  
 5           affect his or her eligibility for benefits under the  
 6           Florida Retirement System; amending s. 43.291, F.S.;  
 7           revising qualifications for appointment to a judicial  
 8           nominating commission; specifying that acts of a  
 9           judicial nominating commission must be made with a  
 10          concurrence of a majority of its current members;  
 11          deleting obsolete language; providing an effective  
 12          date.

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 14   Be It Enacted by the Legislature of the State of Florida:

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 16           Section 1. Subsection (4) is added to section 25.073,  
 17   Florida Statutes, to read:

18           25.073 Retired justices or judges assigned to temporary  
 19   duty; additional compensation; appropriation.—

20           (4) For a retired judge consenting to temporary duty in  
 21   any court, as assigned by the Chief Justice of the Supreme Court  
 22   in accordance with s. 2, Art. V of the State Constitution:

23           (a) The definition of the term "termination" in s.  
 24   121.021(39)(b) does not apply, and termination occurs upon the  
 25   judge's retirement from non-temporary, active duty as a judge.

26           (b) Section 121.091(9)(c) does not apply, and such  
 27   temporary duty is not considered reemployment or employment  
 28   after retirement for purposes of chapter 121.

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29 Section 2. Subsections (1), (2), and (3) of section  
30 43.291, Florida Statutes, are amended to read:

31 43.291 Judicial nominating commissions.—

32 (1) Each judicial nominating commission shall be composed  
33 of the following members:

34 (a) Four members of The Florida Bar, appointed by the  
35 Governor, ~~who are engaged in the practice of law,~~ each of whom  
36 is a resident of the territorial jurisdiction served by the  
37 commission to which the member is appointed. The Board of  
38 Governors of The Florida Bar shall submit to the Governor three  
39 recommended nominees for each position. The Governor shall  
40 select the appointee from the list of nominees recommended for  
41 that position, but the Governor may reject all of the nominees  
42 recommended for a position and request that the Board of  
43 Governors submit a new list of three different recommended  
44 nominees for that position who have not been previously  
45 recommended by the Board of Governors.

46 (b) Five members appointed by the Governor, each of whom  
47 is a resident of the territorial jurisdiction served by the  
48 commission to which the member is appointed, of which at least  
49 two are members of The Florida Bar engaged in the practice of  
50 law.

51 (2) A justice or judge may not be a member of a judicial  
52 nominating commission. A member of a judicial nominating  
53 commission may hold public office other than judicial office. A  
54 member of a judicial nominating commission is not eligible for  
55 appointment, during his or her term of office and for a period  
56 of 2 years thereafter, to any state judicial office for which

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57 that commission has the authority to make nominations. All acts  
58 of a judicial nominating commission must be made with a  
59 concurrence of a majority of its current members.

60 (3) Appointments to a judicial nominating commission,  
61 except an appointment to fill a vacant, unexpired term, shall be  
62 for 4 years. Each expired term or vacancy shall be filled by  
63 appointment in the same manner as the member whose position is  
64 being filled. ~~Notwithstanding any other provision of this~~  
65 ~~section, each current member of a judicial nominating commission~~  
66 ~~appointed directly by the Board of Governors of The Florida Bar~~  
67 ~~shall serve the remainder of his or her term, unless removed for~~  
68 ~~cause. The terms of all other members of a judicial nominating~~  
69 ~~commission are hereby terminated, and the Governor shall appoint~~  
70 ~~new members to each judicial nominating commission in the~~  
71 ~~following manner:~~

72 (a) ~~Two appointments for terms ending July 1, 2002, one of~~  
73 ~~which shall be an appointment selected from nominations~~  
74 ~~submitted by the Board of Governors of The Florida Bar pursuant~~  
75 ~~to paragraph (1) (a);~~

76 (b) ~~Two appointments for terms ending July 1, 2003; and~~

77 (c) ~~Two appointments for terms ending July 1, 2004.~~

78  
79 ~~Every subsequent appointment, except an appointment to fill a~~  
80 ~~vacant, unexpired term, shall be for 4 years. Each expired term~~  
81 ~~or vacancy shall be filled by appointment in the same manner as~~  
82 ~~the member whose position is being filled.~~

83 Section 3. This act shall take effect July 1, 2012.